

FIFTH: That he has used the said road since acquiring his respective properties and even before acquiring said properties. That he used the road in order to go to various properties along the road, past the Respondent's property, traversing from Putman Road for approximately seventy (70) years.

SIXTH: That he has used the said road for the purpose of hauling cut logs from his property and the property of others to the public road of Putman Road, and that he has used it for hunting, recreation, horseback riding, walking, and to provide access to his properties by wagon, as well as by motor vehicles, and that the said way is the only access to his properties.

SEVENTH: That at no time has he obtained permission or even sought to obtain permission from any person to use the said way.

EIGHTH: That at no time has he had his use of the way interrupted until approximately May or June of 1979 but that said interference did not completely prevent him from traversing from Putman Road over the way to his properties until barrels were lodged in the bed of the way in approximately November of 1979, which barrels prevent him from taking any kind of motor vehicle or wagon to his properties for the purpose of hauling cut logs back to Putman Road; and that he uses the cut logs as a source of heating for his personal residence.

NINTH: That in addition to his own personal use he has permitted members of his family to cut wood from his properties for the purpose of heating their personal residences, and that he has permitted his son, Nelson S. Rice, to remove wood from his property, thereby traveling over the way in both directions, for a period in excess of thirty (30) years, and that he has permitted his son-in-law, James W. Johnson, to do the same for a period in excess of thirty (30) years, and that he has permitted other members of his family for a period in excess of twenty (20) years to remove logs for heating of their personal residences, as well as hunting and recreation.

TENTH: That the road has been used by people as a way to properties in the mountains from Putman Road for a period that exceeds his memory.

ELEVENTH: That the Respondent, Coleman J. Lidie, III, has buried